

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K440358WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/DE2004/001419	International filing date (day/month/year) 02.07.2004	Priority date (day/month/year) 02.07.2003
International Patent Classification (IPC) or national classification and IPC E04F15/04		
Applicant AKZENTA PANELEE + PROFILE GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☒ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2004/001419

Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 2, 3, 5-15 as originally filed/furnished
- pages* 1, 1a, 4 received by this Authority on 29.04.2005 with letter of 29.04.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 2-7 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1 received by this Authority on 29.04.2005 with letter of 29.04.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/6-6/6 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☒ the description, pages 1, 1a
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2004/001419

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-7</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-7</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-7</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

2.1 DE-U-299 14 604 (document D1), which is considered to be the prior art closest to the subject matter of claim 1, discloses (see the drawing) a panel (10) consisting of a rectangular board made of a coated wood material, wherein opposite edges of the panel have complementary form-fitting profiles (5, 6) so that similar panels can be joined together, and wherein the surface of at least one portion of at least one of the form-fitting profiles has projections (12, 13) and recesses (14, 15).

The subject matter of claim 1 differs from the known panel in that the projections are overdimensioned, in that the overdimensioning can be abraded by friction when two panels are fitted together, and in that the volume of the recesses enables them to contain the material abraded from the projections.

The subject matter of claim 1 is therefore **novel**.

2.2 The problem addressed by the present invention can thus be seen as that of designing panels with joints which remain closed when the panels are fitted together without causing elastic deformation of one of the form-fitting profiles.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box I**Basis of the report**

The amendments submitted with the letter of 29 April 2005 introduce material which, contrary to the requirement of PCT Article 34(2)(b), goes beyond the disclosure in the international application as filed. The amendment in question is the paragraph which reads "Production of the complementary form-fitting profiles requires ... through which dirt can penetrate." (see the third paragraph on the newly submitted page 1).